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Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

KALINOWSKI, ALEXANDER G

ART UNIT	PAPER NUMBER
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3691

MAIL DATE	DELIVERY MODE
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09/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/809,150

Applicant(s)

PRADHAN ET AL.

Examiner

Alexander Kalinowski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 21-23 and 28-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 21-23 and 28-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. Claims 1-9, 21-23 and 28-30 are pending. Applicant filed a response for reconsideration on 7/3/2007. In response to Applicant's arguments directed to the Morimoto reference, the Examiner finds Applicant's response convincing and withdraws the grounds of rejection based on the Morimoto reference. However, new grounds of rejection are established in the instant office action as set forth in detail below.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains; or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 22 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In claim 22, the limitation of "a virtual identifier of the merchant web site is determined by passively interrogating a source, the source being operable to transmit or broadcast the virtual identifier to a client device in a predetermined range" is not described in the specification. There is no explanation or description in the specification of how the source is passively interrogated. There is mention of some type of beacon but the beacon is not described at all in the specification. The specification fails to describe how the source receives the virtual identifier. Furthermore, there is no description or explanation of how the virtual identifier is broadcast to the source. As far as the

Examiner can ascertain, the only mention in the specification that a virtual identifier of the merchant web site is determined by passively interrogating a source, the source being operable to transmit or broadcast the virtual identifier to a client device in a predetermined range is the statement mirroring this language on page 15, lines 1-5.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-6, 21-23 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Websphere product as evidenced by McCord, Mark, "IBM rolls out suite for easy Internet access" (hereinafter Websphere1) and Beck, Bob et al., "IBM Websphere Everyplace Suite v 1.1 White Paper" (hereinafter Websphere2) in view of Gregory, Pat. No. 6,490,567 and Stolfo et al., Pub. No. 2001/0044785 (hereinafter Stolfo).

The Examiner notes that the McCord and Beck et al. articles describe the same product called Websphere. The Websphere product is the basis of the rejection of the claims.

As to claim 1, Websphere discloses A method for providing mediated services to a client device having a predetermined communication protocol and a predetermined

display format (i.e. a new range of middleware that can decode Web content and re-format to fit on any wireless instrument and WAP enabled phone)(Websphere1, page 1, paragraph 5) comprising:

- (a) receiving a request for a web page from the client device (i.e. necessary web site is pulled up on a mobile phone ...)(Websphere1, page 2, paragraph 1);
- (b) sending the request to a merchant web site (i.e. link all sites to any devices)(Websphere1, page 2, paragraphs 1, 3, and 6) and ;
- (c) receiving the requested information from the merchant web site at a mediator;
- (d) transforming the information into the predetermined communication protocol and predetermined display format that is suitable for the client device at the mediator (i.e. a new range of middleware that can decode Web content and re-format to fit on any wireless instrument and WAP enabled phone)(Websphere1, page 1, paragraph 5) and (i.e. protocol translation as a WAP gateway, support for short messaging ... changing HTML content intended for desktop PC's to WML content suitable for the new class of smart phones)(Websphere2, page 7, page 8); and
- (e) sending the information via a network to the client device from the mediator (i.e. a new range of middleware that can decode Web content and re-format to fit on any wireless instrument and WAP enabled phone)(Websphere1, page 1, paragraph 5) and (i.e. protocol translation as a WAP gateway, support for short messaging ... changing HTML content intended for desktop PC's to WML content suitable for the new class of smart phones)(Websphere2, page 7, page

8) and

(paragraph 44);

Websphere does not explicitly disclose

(f) providing mediated shipping services, wherein the step of providing mediated shipping services includes the client sending delivery information to the mediator the mediator directly providing the delivery information to a shipping company

However, Gregory discloses providing mediated shipping services, wherein the step of providing mediated shipping services includes the client sending delivery information to the mediator (i.e. customer profile and shipping address)(col. 4, lines 47-50 and col. 9, lines 22-26).). It would have been obvious to one of ordinary skill at the time of Applicant's invention to include the aforementioned limitation within Websphere as disclosed by Gregory for the motivation of providing a more efficient way of conducting electronic commerce by allocating most of the tasks of providing electronic commerce transaction functionality to a service provider thereby relieving the merchant from tasks outside their area of expertise (col. 2, lines 17-28).

Websphere and Gregory do not explicitly disclose

directly providing the delivery information to a shipping company

arranging for the shipping company to pick-up the merchandise from the merchant; wherein the client delivery information is not provided to the merchant.

However, Stolfo discloses directly providing the delivery information to a shipping company (paragraph 32). Stolfo further discloses arranging for the shipping company to pick-up the merchandise from the merchant; wherein the client delivery information is

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not provided to the merchant (i.e. customer's proxy information (paragraphs 32 and 33). It would have been obvious to one of ordinary skill at the time of Applicant's invention to include the aforementioned limitation within Websphere and Gregory as disclosed by Stolfo for the motivation of securely ordering and receiving products from merchants without revealing their identities to the merchants (paragraph 2).

As to claim 2, Websphere discloses The method of claim 1 further comprising:

(f) providing at least one mediated electronic commerce service for a merchant (i.e. a new range of middleware that can decode Web content and re-format to fit on any wireless instrument and WAP enabled phone)(Websphere1, page 1, paragraph 5).

As to claim 3, Websphere does not explicitly disclose The method of claim 2 wherein the step of providing at least one electronic commerce service for the merchant includes one of shopping cart services, billing services, shipping services, and payment services. However, Gregory discloses the step of providing at least one electronic commerce service for the merchant includes one of shopping cart services, billing services, shipping services, and payment service (col. 4, lines 40-47). It would have been obvious to one of ordinary skill a the time of Applicant's invention to include the aforementioned limitation within Websphere as disclosed by Gregory for the motivation of providing a more efficient way of conducting electronic commerce by allocating most of the tasks of providing electronic commerce transaction functionality to a service provider thereby relieving the merchant from tasks outside their area of expertise (col. 2, lines 17-28).

As to claim 4, Websphere discloses The method of claim 1 wherein the step of transforming the information into the predetermined communication protocol and

predetermined display format that is suitable for the client device includes:
transforming the information into one of an HTTP communication protocol and WAP communication protocol (Websphere2, pages 7-8).

As to claim 5, Websphere discloses The method of claim 1 wherein the step of transforming the information into the predetermined communication protocol and predetermined display format that is suitable for the client device includes:
transforming the information into one of a HTML display format and VML display format (Websphere2, page 8).

As to claim 6, Websphere discloses The method of claim 1 wherein the step of receiving the requested information from the merchant web site includes:
receiving information in one of a proprietary format, a mark-up language format, an XML format, and other format designed for exchanging information (Websphere2, pages 7-8).

As to claim 21, Websphere discloses The method of claim 1, wherein the step of receiving a request for a web page comprises receiving a request for a web page from the client device, wherein the request includes a request for product information from the merchant web site (Websphere1, page 2, paragraphs 1-4).

As to claim 22, Websphere does not explicitly disclose The method of claim 1, wherein a virtual identifier of the merchant web site is determined by passively interrogating a source, the source being operable to transmit or broadcast the virtual identifier to a client device in a predetermined range.

However, the Examiner takes official notice that broadcasting virtual identifiers was old and well known in the electronic advertising arts. The motivation for broadcasting virtual identifiers was to seek potential customers for goods or services. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation within Websphere for the motivation stated above.

As to claim 23, Websphere discloses The method of claim 1, wherein a virtual identifier of the merchant web site is determined by scanning readable code (i.e. URL of the web site)(Websphere1, page 2, paragraphs 1-4).

As to claim 28, Websphere discloses The method of claim 1, wherein transforming the information into the predetermined communication protocol and predetermined display format that is suitable for the client device at the mediator further comprises transforming the information into a plurality of different predetermined communication protocols and a plurality of different predetermined display formats for a plurality of clients based on a display format and a communication protocol used by each of a plurality of client devices (Websphere2, pages 7-8).

As to claim 29, Websphere discloses The method of claim 28, wherein sending the transformed information via a network to the client device from the mediator further comprises sending the transformed information to the plurality of clients using the plurality of different predetermined communication protocols and the plurality of different predetermined display formats (Websphere2, pages 7-8).

As to claim 30, Websphere discloses The method of claim 1, wherein receiving the

requested information from the merchant web site at a mediator further comprises receiving the requested information in a generic display format from the merchant web site (Websphere2, pages 7-8).

6. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Websphere, Gregory and Stolfo as applied to claim 1 above, and further in view of Godden et al., Pat No. 6,401,077 (hereinafter Godden).

As to claim 7, Websphere, Gregory and Stolfo do not explicitly disclose The method of claim 1 further comprising:

(f) providing mediated shopping services

wherein the step of providing mediated shopping services includes the client device sending a request to add or delete items from a shopping cart ; and receiving the add or delete requests, and responsive thereto for updating a shopping cart record.

However, Godden discloses providing mediated shopping services wherein the step of providing mediated shopping services includes the client device sending a request to add or delete items from a shopping cart ; and receiving the add or delete requests, and responsive thereto for updating a shopping cart record (col. 6, lines 16-22). It would have been obvious to one of ordinary skill at the time of Applicant's invention to include the aforementioned limitation as disclosed by Godden within Websphere, Gregory and Stolfo for the motivation of providing a mechanism for web sites that are not e-commerce enabled to be enabled to conduct commerce (col. 2, lines 42-46).

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As to claim 8, Websphere, Gregory and Stolfo do not explicitly disclose The method of claim 1 further comprising:

(f) providing mediated payment services wherein the step of providing mediated payment services includes the client sending a purchase request to purchase one or more items in a shopping cart;
receiving the purchase request; and
responsive to the purchase request for updating a shopping cart record to reflect the purchase.

However, Godden discloses providing mediated payment services wherein the step of providing mediated payment services includes the client sending a purchase request to purchase one or more items in a shopping cart(i.e. added purchase buttons)(col. 9, lines 13-20);

receiving the purchase request(col. 9, lines 13-20); and
responsive to the purchase request for updating a shopping cart record to reflect the purchase (i.e. add that item to the shopping cart)(col. 9, lines 13-20). It would have been obvious to one of ordinary skill at the time of Applicant's invention to include the aforementioned limitation as disclosed by Godden within Websphere, Gregory and Stolfo for the motivation of providing a mechanism for web sites that are not e-commerce enabled to be enabled to conduct commerce (col. 2, lines 42-46).

As to claim 9, Websphere does not explicitly disclose The method of claim 8 wherein the step of providing mediated payment services further includes
a client providing payment information to a mediator.

the mediator debiting a client's account; and
the mediator handling payment to a merchant; wherein the account information of the client is not provided to the merchant.

However, Gregory discloses the mediator debiting a client's account ; and the mediator handling payment to a merchant; wherein the account information of the client is not provided to the merchant (col. 4, lines 40-47). It would have been obvious to one of ordinary skill at the time of Applicant's invention to include the aforementioned limitation within Websphere as disclosed by Gregory for the motivation of providing a more efficient way of conducting electronic commerce by allocating most of the tasks of providing electronic commerce transaction functionality to a service provider thereby relieving the merchant from tasks outside their area of expertise (col. 2, lines 17-28).

Response to Arguments

7. Applicant's arguments with respect to claims 1-9, 21-23 and 28-30 have been considered but are moot in view of the new ground(s) of rejection.

8. With respect to claim 22, the Applicant traversed the Examiner's use of official notice. However, the Examiner notes that the Applicant's traversal is improper because Applicant failed to provide any reasons as to why the noticed fact is not considered to be common knowledge (see MPEP 2144.03). Therefore, the Examiner maintains the use of Official Notice in claim 22.

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Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Kalinowski, whose telephone number is (571) 272-6771. The examiner can normally be reached on Monday to Friday from 10:00 AM to 6:30 PM. If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Alexander Kalinowski, can be reached on (571) 272-6771. The fax telephone number for this group is (571) 273-8300 (for official communications including After Final communications labeled "Box AF").

Alexander Kalinowski

Supervisory Patent Examiner

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9/14/2007